

Exhibit B

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

M.D., by her next friend, Sarah R. Stukenberg, *et al.*,

Plaintiffs,

VS.

GREG ABBOTT, in his official capacity
as Governor of the State of Texas, et al.,

Defendants.

CIVIL ACTION NO. 2:11-CV-00084

SWORN DECLARATION FOR REMEDIAL ORDER NO. 22

1. My name is William Walsh. I am over the age of 18 years, of sound mind, competent to testify and have personal knowledge of the facts stated herein.
2. I am employed as the Director of Purchased Client Services at the Texas Department of Family and Protective Services (DFPS). I have 20 years of state service. I have held my current position at DFPS effective December 21, 2020. Prior to that, I spent two years with DFPS as the Deputy Director of Purchased Client Services.
3. Purchased Client Services is the division within DFPS that is responsible for functions related to contracts for DFPS client use or benefit, support services, and services purchased or negotiated using State Office Contracts.
4. Purchased Client Services is responsible for working with DFPS programs to: 1) plan the purchasing of contracted services; 2) establish the qualifications and service deliverables, develop reporting and documentation requirements, and determine a payment methodology and performance measures for each service; 3) develop the contract; 4) handle contract administration and management; and 5) engage in contract monitoring and accountability and resolution of contracting issues.
5. Purchased Client Services is a part of the Office of the Deputy Commissioner and includes six units: Community-Based Care Contracts; Regional APS Contracts; Regional CPS Contracts; Residential Child Care Contracts (RCC); Heightened Monitoring; and State Office Contracts.
6. In accordance with Remedial Order No. 22, Residential Child Care Licensing (RCCL), and any successor entity charged with inspections of child care placements, must consider during

the placement inspection all referrals of, and in addition all confirmed findings of, child abuse/neglect and all confirmed findings of corporal punishment occurring in the placements. During inspections, RCCL, and any successor entity charged with inspections of child care placements, must monitor placement agencies' adherence to obligations to report suspected child abuse/neglect. When RCCL, and any successor entity charged with inspections of child care placements, discovers a lapse in reporting, it shall refer the matter to DFPS, which shall immediately investigate to determine appropriate corrective action, up to and including termination or modification of a contract.

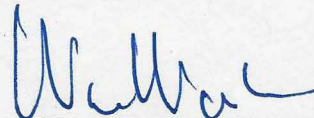
7. DFPS has worked deliberately and in good faith to comply with the Court's Remedial Order No. 22 with regard to immediately investigating operations which fail to report suspected child abuse or neglect to determine appropriate corrective action, up to and including termination or modification of a contract, and hereby certifies compliance with Remedial Order No. 22, as further described below in more detail.
8. On May 23, 2019, DFPS began receiving a spreadsheet report provided each business day from the Health and Human Services Commission (HHSC) of Failure to report Abuse/Neglect citations in CLASS in its DFPS Residential Contracts mailbox.
9. On July 16, 2019, DFPS created a Dashboard Library and Reports page to track incoming data and follow up activities related to Failure to Report Abuse/Neglect citations received from HHSC.
10. When DFPS receives a notification of a Failure to Report Abuse/Neglect citation to its Residential Contracts mailbox, it engages in the following actions:
 - i. Determine if the facility cited is a DFPS provider.
 - ii. If there is a DFPS provider cited, the report is sent to the Residential Contract Manger who manages the contract. The Residential Contract Manger will then review the investigation/citation in CLASS and IMPACT, review the provider's failure to report history, and discuss the incident with the provider.
 - iii. Depending on the information gathered, the course of action may include providing the contractor with technical assistance, requiring a corrective action plan, or modifying or terminating the contract.

[Source Document: Procedures in Response to RCC Contractor Citation for Failure to Report Abuse/Neglect Version 4 provided to the Monitors on December 31, 2020].
11. On August 7, 2019, DFPS began training its Residential Contract Managers on Procedures in Response to RCC Contractor Citation for Failure to Report Abuse/Neglect. [Source document: Procedures in Response to RCC Contractor Citation for Failure to Report Abuse/Neglect Draft provided to the Monitors on December 31, 2020].
12. On August 27, 2019, DFPS Residential Contracts distributed to its staff the Procedures in Response to RCC Contractor Citation for Failure to Report Abuse/Neglect. Additionally, DFPS developed templates for Corrective Action Plans and Technical Assistance letters. [Source documents: Corrective Action Plan and Technical Assistance Letter Templates, and Procedures in Response to RCC Contractor Citation for Failure to Report Abuse/Neglect, version 1 provided to the Monitors on December 31, 2020].

13. On December 20, 2019, DFPS updated the Procedures in Response to RCC Contractor Citation for Failure to Report Abuse/Neglect. This update added the specific language that the Contract Tech should use in the email to the Residential Contract Manager, Division Manager and Director. It also identified specific folder locations where communications should be uploaded within the Contractor's active SharePoint folder. [Source Document: Procedures in Response to RCC Contractor Citation for Failure to Report Abuse/Neglect Version 2 provided to the Monitors on December 31, 2020]
14. On February 25, 2020, DFPS developed the Contract Non-Compliance Letter as a template for the Residential Contract Manager use. [Source Document: Non-Compliance Letter provided to the Monitors on December 31, 2020].
15. On March 3, 2020, HHSC RCCL notified DFPS that there were some IT issues with the report that resulted in underreporting to DFPS from July 31, 2019 to March 2, 2020. As a result, four additional report citations were sent to RCC. HHSC RCCL changed their business process to email the Failure to Report Abuse/Neglect Report to DFPS seven days a week.
16. On March 3, 2020, DFPS made an additional update to Procedures in Response to RCC Contractor Citation for Failure to Report Abuse/Neglect. Pursuant to the update, Residential Contract Managers must complete the Corrective Action Plan or Technical Assistance letter and submit it to the Division Manager for review. Residential Contract Managers must also send the Corrective Action Plan or Technical Assistance letter to the provider and upload it to the HHSC System of Contract Operation and Reporting (SCOR). [Source Document: Procedures in Response to RCC Contractor Citation for Failure to Report Abuse/Neglect Version 3 provided to the Monitors on December 31, 2020].
17. In March 2020, the Monitors were provided with a guidance tool and assistance on how to maneuver through SCOR to locate the uploaded Corrective Actions Plans and Technical Assistance letters. [Source Document: Contract Actions in SCOR Webinar, provided to the Monitors on March 18, 2020 and December 31, 2020].
18. On May 1, 2020, HHSC RCCL notified RCC that going forward, RCC would only receive a spreadsheet if there was a citation to report for the day. If no citations were reported, RCC would receive an email stating there were no citations for that reporting day.
19. On May 1, 2020, DFPS provided the Monitors a routine RO 22 report and an ad hoc report that covered the additional report citations received from HHSC RCCL on March 3, 2020, as discussed in Paragraph 15. [Source Document: RO22 Failure to Report ANE 08-02-19 to 03-03-20 Ad Hoc Report, provided to the Monitors on May 1, 2020].
20. On June 5, 2020, DFPS updated the Procedures in Response to RCC Contractor Citation for Failure to Report Abuse/Neglect. The update included additional guidance for the Residential Contract Manager to follow when reviewing a Contractor's Corrective Action Plan. [Source Document: Procedures in Response to RCC Contractor Citation for Failure to Report Abuse/Neglect Version 4 provided to the Monitors on December 31, 2020.]

21. DFPS continues to build on its Remedial Order No. 22 compliance efforts. For example, DFPS is in the process of amending its procedures to address operations that do not have a traditional GRO or CPA contract at the time of the citation but may, in the future, place a child through a Child Specific Contract. DFPS is also amending its procedures to account for investigations of Failure to Report Abuse/Neglect citations that do not involve a child in DFPS conservatorship. DFPS is also developing written guidelines that should be considered when determining a response. Additionally, DFPS will continue to develop a more structured process for providing technical assistance and documenting that technical assistance, as well as continuing to ensure timely action is taken after receiving notice of a citation. Finally, DFPS is developing guidance that will strengthen enforcement actions against operations with more than one Failure to Report Abuse/Neglect citation.
22. DFPS sent reports to the Monitors regarding an operation's failure to report and the DFPS action taken as a result on the following dates:
 - a. Compliance with Serious Incident Reporting Requirements as to RO22 Failure to Report ANE 6.1.19 to 8.31.19, delivered to the Monitors on November 1, 2019;
 - b. RO22 Failure to Report ANE 09.01.19-11.30.19, delivered to the Monitors on February 3, 2020;
 - c. RO22 Failure to Report ANE 08-02-19 to 03-03-20 Ad Hoc Report and Quarter 2 Report dated 12-1-19 to 2-29-20, delivered to the Monitors on May 1, 2020;
 - d. RO22 Failure to Report ANE 03.01.20 to 05.31.20, delivered to the Monitors on August 3, 2020;
 - e. RO22 Failure to Report ANE 06.01.20 to 08.31.20, delivered to the Monitors on September 30, 2020;
 - f. RO22 Failure to Report ANE 09.01.20 to 09.30.20, delivered to the Monitors on November 2, 2020;
 - g. RO22 Failure to Report ANE 10.01.20 to 10.31.20, delivered to the Monitors on November 30, 2020; and
 - h. RO 22 Failure to Report ANE 11.01.20 to 11.30.20, delivered to the Monitors on December 31, 2020.
23. As the new Director for Purchased Client Services, I have undertaken my own review of the processes and procedures within the division. I am making further changes to strengthen practices that protect children and meet the Court's Remedial Orders.

I declare under penalty of perjury that the foregoing is true and correct.



William Walsh
Director of Purchased Client Services, DFPS